

# House Amendment 1257

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1 1 Amend Senate File 151, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 1, line 2, by striking the words <RAILWAY  
1 4 ASSISTANCE> and inserting the following: <EMINENT  
1 5 DOMAIN AUTHORITY OF STATE  
1 6 Sec. \_\_\_\_\_. Section 6A.1, Code 2009, is amended to  
1 7 read as follows:  
1 8 6A.1 EXERCISE OF POWER BY STATE.  
1 9 1. Proceedings may be instituted and maintained by  
1 10 the state of Iowa, or for the use and benefit thereof,  
1 11 for the condemnation of such private property as may  
1 12 be necessary for any public improvement which the  
1 13 general assembly has authorized to be undertaken by  
1 14 the state, and for which an available appropriation  
1 15 has been made. The executive council shall institute  
1 16 and maintain such proceedings in case authority to so  
1 17 do be not otherwise delegated.  
1 18 2. All proceedings instituted and maintained by  
1 19 the state of Iowa shall not commence without the  
1 20 signed authorization of the governor.  
1 21 3. The condemnation authority granted in this  
1 22 section shall not extend to the department of natural  
1 23 resources if the department is seeking to acquire real  
1 24 property for purposes of carrying out a duty related  
1 25 to development and maintenance of the recreation  
1 26 resources of the state, including planning,  
1 27 acquisition, and development of recreational projects,  
1 28 and areas and facilities related to such projects,  
1 29 notwithstanding any provisions to the contrary.>  
1 30 #2. Page 2, by inserting after line 13 the  
1 31 following:  
1 32 <Sec. \_\_\_\_\_. Section 455A.5, Code 2009, is amended  
1 33 by adding the following new subsection:  
1 34 NEW SUBSECTION. 7. The authority granted the  
1 35 commission to acquire real property for purposes of  
1 36 carrying out a duty related to development and  
1 37 maintenance of the recreation resources of the state,  
1 38 including planning, acquisition, and development of  
1 39 recreational projects, and areas and facilities  
1 40 related to such projects, shall not extend to the  
1 41 authority to acquire land by eminent domain.  
1 42 Sec. \_\_\_\_\_. Section 456A.24, subsection 2,  
1 43 unnumbered paragraph 1, Code 2009, is amended to read  
1 44 as follows:  
1 45 Acquire by purchase, ~~condemnation,~~ lease,  
1 46 agreement, gift, and devise lands or waters suitable  
1 47 for the purposes hereinafter enumerated, and  
1 48 rights-of-way thereto, and to maintain the same for  
1 49 the following purposes, ~~to wit:~~  
1 50 Sec. \_\_\_\_\_. Section 456A.24, Code 2009, is amended  
2 1 by adding the following new subsection:  
2 2 NEW SUBSECTION. 15. The authority granted the  
2 3 department to acquire real property for any statutory  
2 4 purpose relating to development and maintenance of the  
2 5 recreation resources of the state, including planning,  
2 6 acquisition, and development of recreational projects,  
2 7 and areas and facilities related to such projects,  
2 8 shall not extend to the authority to acquire land by  
2 9 eminent domain.  
2 10 Sec. \_\_\_\_\_. Section 461A.7, Code 2009, is amended to  
2 11 read as follows:  
2 12 461A.7 EMINENT DOMAIN PURCHASE OF LANDS == PUBLIC  
2 13 PARKS.  
2 14 The commission may purchase ~~or condemn~~ lands from  
2 15 willing sellers for public parks. ~~No~~ A contract for  
2 16 the purchase of such public parks shall not be made to  
2 17 an amount in excess of funds appropriated therefor by  
2 18 the general assembly.  
2 19 Sec. \_\_\_\_\_. Section 461A.10, Code 2009, is amended  
2 20 to read as follows:  
2 21 461A.10 TITLE TO LANDS.  
2 22 The title to all lands purchased, ~~condemned,~~ or  
2 23 donated, hereunder, for park ~~or highway~~ purposes and  
2 24 the title to all lands purchased, condemned, or

2 25 donated hereunder for highway purposes, shall be taken  
2 26 in the name of the state and if thereafter it shall be  
2 27 deemed advisable to sell any portion of the land so  
2 28 purchased or condemned, the proceeds of such sale  
2 29 shall be placed to the credit of the said public state  
2 30 parks fund to be used for such park purposes.

2 31 Sec. \_\_\_\_\_. Section 463C.8, subsection 1, paragraph  
2 32 k, Code 2009, is amended to read as follows:

2 33 k. The power to acquire, own, hold, administer,  
2 34 and dispose of property, except that such power is not  
2 35 a grant of authority to acquire property by eminent

2 36 domain.

2 37 Sec. \_\_\_\_\_. Sections 461A.9 and 461A.75, Code 2009,  
2 38 are repealed.

2 39 Sec. \_\_\_\_\_. EFFECTIVE DATE. The sections of this  
2 40 division of this Act amending sections 6A.1, 455A.5,  
2 41 456A.24, 461A.7, 461A.10, and 463C.8, and repealing  
2 42 sections 461A.9 and 461A.75, being deemed of immediate  
2 43 importance, take effect upon enactment.

2 44 DIVISION \_\_\_\_\_  
2 45 RAILWAY ASSISTANCE>.

2 46 #3. Title page, line 1, by inserting after the  
2 47 word <relating> the following: <to the exercise of  
2 48 eminent domain authority by the state, including by  
2 49 the department of transportation and the department of  
2 50 natural resources, and>.

3 1 #4. Title page, line 5, by inserting after the  
3 2 word <fund> the following: <, and providing an  
3 3 effective date>.

3 4 #5. By renumbering as necessary.

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3 8 GRASSLEY of Butler

3 9 SF 151.701 83

3 10 dea/nh/12503